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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

STARLA BRAHAM,

Plaintiff,

V.

AUTOMATED ACCOUNTS, INC, a Washington Corporation , and MICHELLE DOE and JOHN DOE, husband and wife and the marital community comprised thereof.

Defendants.

Case No.: CV-10-385-LRS

JOINT CERTIFICATE AND DISCOVERY PLAN

I. Meeting of Counsel.

Pursuant to Federal Rules of Procedure 26(f) and the Court's Order dated December 17, 2010, the parties, through their attorneys, met telephonically to

JOINT CERTIFICATE AND DISCOVERY PLAN

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1 confer on February 2, 2011. Plaintiff's Counsel agreed to provide and draft a Joint
2 Certification which was provided to Defendants' counsel on January 24, 2011.
3
4 Thereafter the Certification was agreed upon. Kirk D. Miller, P.S. represents the
5 Plaintiff Starla Braham; and Thomas M. Smith represents all defendants.

6 All parties confirm that the parties have met to discuss the nature and basis
7 of their claims and defenses and the possibilities for a prompt settlement or
8 resolution of the case, to make or arrange for the disclosures required by FRCP
9 26(a)(1), and to develop a proposed discovery plan, and to develop a joint
10 certificate.
11

12 II. Nature of Proceedings and Statement of Jurisdiction

13
14 **a. Service of Process:** All Defendants have been served.

15 **b. Jurisdiction and Venue:**

16
17 Based on the allegations and pled, the parties' position is that there are no
18 jurisdiction or venue issues and that both venue and jurisdiction are properly
19 before this court.
20

21 **c. Anticipated Motions:** The Parties each anticipate filing motions for
22 Summary Judgment.
23

24 **d. Nature and Basis of Claims and Defenses:** Counsel for Plaintiff and
25 Defendant have discussed the nature of Claims and Defenses and

possibilities for prompt settlement. Parties will exchange Initial Disclosures, as required by F.R.C.P. 26(a)(1) on or before February 15, 2011..

e. Proposed Discovery Plan: The Parties have agreed to the court's standard discovery plan based upon a trial date to be set by the court. The Parties are requesting a trial date in September, 2011, or after. The clerk has been notified regarding having this matter being heard by a Magistrate Judge. The parties have not agreed to arbitration. The parties do not believe that there is a need for consolidation for discovery or pretrial, nor complex litigation procedures, nor multi-district litigation procedures. Counsel for defendants Automated and Bull states that he will direct his clients to preserve all electronic data and metadata that is in their possession or control.

f. Pretrial Procedures: Standard pretrial procedures are appropriate.

g. Bifurcation or Structure Sequence of Trial: The parties believe that there is no need for bifurcation or Structure Sequence of Trial.

h. Settlement: Parties believe that there may be possibilities for settlement to be explored after further discovery and determination of dispositive motions, and believe that a settlement conference in June 2011 may be useful.

i. The case does not involve a minor and no appointment of a guardian ad litem is necessary.

III. Brief description of claims and defenses.

Plaintiffs claim that defendants are debt collectors as defined by the FDCPA; that the defendants have violated various provisions of the FDCPA and state law. The Defendants claim that they have not violated the FDCPA or state law.

Dated the 2nd day of February, 2011.

Kirk D. Miller, P.S.

s/ Kirk Miller

Kirk Miller
WSBA 40025
Attorney for Plaintiff

Thomas M. Smith

s/ Thomas M. Smith

Thomas M. Smith
WSBA #
Attorney for Defendants

CM/ECF

I hereby certify that on the 2nd day of February, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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s/Kirk D. Miller

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